

UNITED STATES DEPARTMENT OF COMMERCE **Patent and Trademark Office**

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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. 09/043,933 03/30/98 BALLOUL 017753-094 **EXAMINER** HM12/0507 SALIMI,A NORMAN H STEPNO BURNS DOANE SWECKER & MATHIS

PO BOX 1404 ALEXANDRIA VA 22313-1404

ART UNIT PAPER NUMBER 1643

DATE MAILED:

05/07/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



Office Action Summary



Application No. 09/043,933 Applicant(s)

Examiner

Group Art Unit ALI R. SALIMI

1643

Balloul et al



	
Responsive to communication(s) filed on 3/30/98	3, 7/28/98, 9/30/98, 10/27/98,
☐ This action is FINAL .	
Since this application is in condition for allowance in accordance with the practice under Ex parte Q	e except for formal matters, prosecution as to the merits is closed Quayle, 1935 C.D. 11; 453 O.G. 213.
is longer, from the mailing date of this communication	tion is set to expire <u>One</u> month(s), or thirty days, whichever on. Failure to respond within the period for response will cause the 3). Extensions of time may be obtained under the provisions of
Disposition of Claims	
	is/are pending in the application.
Of the above, claim(s)	is/are withdrawn from consideration.
☐ Claim(s)	is/are allowed.
Claim(s)	
	is/are objected to.
	are subject to restriction or election requirement.
Application Papers	
☐ See the attached Notice of Draftsperson's Pat	tent Drawing Review, PTO-948.
☐ The drawing(s) filed oni	is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on	is approved disapproved.
The specification is objected to by the Examin	ier.
\square The oath or declaration is objected to by the $f E$	Examiner.
Priority under 35 U.S.C. § 119	•
Acknowledgement is made of a claim for fore	
☐ All ☐ Some* ☐ None of the CERTIFII	ED copies of the priority documents have been
received.	
received in Application No. (Series Cod	
	on from the International Bureau (PCT Rule 17.2(a)).
*Certified copies not received:	25 H C C 5 110/c)
☐ Acknowledgement is made of a claim for dom	nestic priority under 35 U.S.C. 3 119(e).
Attachment(s)	
□ Notice of References Cited, PTO-892	10 D N ()
Information Disclosure Statement(s), PTO-144	49, Paper No(s)
☐ Interview Summary, PTO-413	iow, PTO-948
☐ Notice of Draftsperson's Patent Drawing Revi☐ Notice of Informal Patent Application, PTO-15	
Selver (refurration and)	
E SCHOOL C LCL. LELACON)	
SEE OFFICE A	ACTION ON THE FOLLOWING PAGES

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DETAILED ACTION

Sequence Requirements

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Full compliance with the sequence rules is required in response to this Office Action. A complete response to this office action should include both compliance with the sequence rules and a response to the election/restriction requirement set forth below. Failure to fully comply with **both** these requirements in the time period set forth in this office action will be held non-responsive.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

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Group I, claim(s) 1-9, 21, drawn to a pharmaceutical composition comprising of early and late proteins of papillomavirus.

Group II, claim(s) 10-20, 25-31, drawn to expression vector for fusion protein comprising early and late genes.

Group III, claim(s) 23, 24, drawn to method of treatment for cancer.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Since the teaching of Zhou et al (Virology, Vol. 185, pp. 251-257,1991) overlap with the invention of Group I. They disclosed the fusion protein of early and late proteins of papillomavirus. Thus, the claims are not so linked by a special technical feature, and the unity of the invention is lacking.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any

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amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Salimi whose telephone number is (703) 305-7136. The examiner can normally be reached on Monday-Friday from 9:00 Am to 6:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Eiseneshenk, can be reached on (703) 308-0452. The fax phone number for this Group is (703) 305-7401.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

5/6/99